

AMENDMENTS TO THE DRAWINGS:

The attached substitute drawings include replacement sheets 2 and 3 with FIGs. 2 and 3. The substitute drawings replace the originally-filed drawings without any substantive changes. The only changes to FIG. 2 are to change reference numbers 61 and 62 to 610 and 620, respectively. The only change to FIG. 3 is to change reference number 63 to 630. Therefore, there is no need for annotated drawings showing changes. No new matter is added in the substitute drawings.

Attachment: Replacements Sheets 2 and 3

REMARKS

Amendment A is hereby provided after careful consideration of the Examiner's comments set forth in the Office Action mailed September 12, 2008. Claims 1-5 and 7-10 remain in the application and claims 11-21 are added after Amendment A is entered. Reconsideration of the application is respectfully requested in view of the amendments and remarks provided herein.

The Office Action

Certain requirements for claiming foreign priority are stated.

The Title is objected to for allegedly not being descriptive of the invention to which the claims are directed.

Certain requirements for an Abstract are stated.

Certain requirements for the content of a Specification are stated.

Claims 5 and 9 stand rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite for failing to particularly point out and distinctly claim subject matter regarded as the invention.

Claims 1-6 and 8-10 stand rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,725,262 to Choquier et al.

Claim 7 stands rejected under 35 U.S.C. § 103(a) for allegedly being obvious over Choquier in view of U.S. Patent Application Publication No. 2003/0212681 to Kasper II.

The Objections

Certified Copy of Foreign Priority Document was Filed with Original Application.

A certified copy of the foreign priority document (European Patent Application No. EP 02360312.9) was filed with the USPTO on October 31, 2003 along with the original application. The Office Action does not state a defect regarding the certified copy of the priority document or the foreign priority claim. Moreover, the Office Action does not state that any action is required regarding the certified copy of the priority document or the foreign priority claim. If any action regarding the certified copy of the

priority document or the foreign priority claim is required, the Applicant respectfully requests that such actions be clearly stated in the next USPTO Office Action. Otherwise, it is submitted that the certified copy of the priority document and the priority claim are in order. Therefore, the Applicant respectfully requests that any objection to the certified copy of the priority document be withdrawn.

The Title is Descriptive of the Invention to which the Claims are Directed.

As amended, the Title of the application is "Method and server for synchronizing remote system with master system." Independent claim 1 is directed to a "server for synchronizing at least one remote system with a master system." Similarly, independent claim 10 is directed to a "method for synchronizing at least one remote system with a master system." New independent claim 18 is directed to a "method for synchronizing files on a remote system with files on a master system." Accordingly, it is submitted that the amended Title is descriptive of the invention to which the claims are directed. Therefore, the Applicant respectfully requests that the objection to the Title be withdrawn.

The Abstract is in Proper Language and Format.

The Office Action does not state a defect regarding the Abstract. Moreover, the Office Action does not state that any action is required to correct the Abstract. Nevertheless, the third sentence of the Abstract is amended to replace "Further, is comprises" with "Further, the server comprises." If any additional actions regarding the Abstract are required, the Applicant respectfully requests that such actions be clearly stated in the next USPTO Office Action. Otherwise, it is submitted that the amended Abstract is in proper language and format. Therefore, the Applicant respectfully requests that any objection to the Abstract be withdrawn.

The Specification is in Proper Language and Format.

Except for the objection to the Title, the Office Action does not state a defect regarding the content of the Specification. Moreover, except for requiring a new Title, the Office Action does not state that any action is required to correct the content of the

Specification. Nevertheless, a number to typographical, grammatical, and reference number corrections are provided in amended paragraphs of the "Amendments to the Specification" section of this amendment to place the specification in proper language and format.

In conjunction with the reference number corrections to the specification paragraphs, this amendment also provides substitute drawings to replace sheets 2 and 3 of the originally-filed drawings. Replacement sheets 2 and 3 are attached and provide replacement FIGs. 2 and 3. The substitute drawings are each labeled "REPLACEMENT SHEET" and are compliant with 37 CFR 1.84. No new matter is added in the substitute drawings. There are no other substantive changes in the substitute drawings. Replacement FIGs. 2 and 3 merely change reference numbers 61, 62, and 63 to 610, 620, and 630, respectively, due to duplicate use of these reference numbers in the originally-filed application. Therefore, there is no need for annotated drawings showing changes.

If any additional actions regarding the Specification are required, the Applicant respectfully requests that such actions be clearly stated in the next USPTO Office Action. Otherwise, it is submitted that the amended Specification is in proper language and format. Therefore, the Applicant respectfully requests that any objection to the content of the Specification be withdrawn.

The Non-Art Rejections

Claims 5 and 9 Are Not Indefinite.

Claim 5 is amended to replace "request from the master system and the at least one remote system to reply a list of files complying with this file classification" to "request [[from]] the master system and the at least one remote system to reply with a list of files complying with this file classification." Accordingly, it is submitted that the meaning of the limitation in amended claim 5 is now clear. Therefore, the Applicant respectfully requests that the rejection of claim 5 under 35 U.S.C. § 112, second paragraph be withdrawn.

Similarly, claim 9 is amended to replace “requesting from the file systems of the at least one remote system to check for data inconsistency caused by the data synchronization and to reply a list of inconsistent files” with “requesting [[from]] the file systems of the at least one remote system to check for data inconsistency caused by the data synchronization and to reply with a list of inconsistent files.” Accordingly, it is submitted that the meaning of the limitation in amended claim 9 is now clear. Therefore, the Applicant respectfully requests that the rejection of claim 9 under 35 U.S.C. § 112, second paragraph be withdrawn.

The Art Rejections

Claims 1-6 and 8-10 Patentably Distinguish Over Choquier.

As amended, independent claim 1 is directed to a server that includes a control unit for “receiving from the master system and the at least one remote system respective first lists of files that comply with a predefined file classification, detecting files in the first lists of files that are present in the master system, but missing in the at least one remote system, comparing the first lists of files and filtering out common files to form a second list of files; sending the second list of files to the master system and the at least one remote system and requesting respective calculations of check sums for said common files; receiving said respective check sums; comparing corresponding check sums for said common files; detecting files from the second list of files with different check sums; and initiating the transmission of files to be synchronized from the master system to the at least one remote system, wherein the files to be synchronized include files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the at least one remote system.”

Choquier discloses a master computing device communicatively linked to additional computing devices via a computer network. The Choquier master computing device develops a list that describes its configuration of resources. Each Choquier additional computing device receives the list and determines whether its configuration of resources is synchronized with the master computing device. Any Choquier additional

computing device that is not synchronized, prepares a list of resource configuration needs and sends it to the master computing device. The Choquier master computing device receives the list of needs and sends data to the corresponding additional computing device for use in synchronizing its configuration of resources. See col. 2, lines 21-45. Choquier also refers to the master computing device as a master server and the additional computing devices as member servers (see col. 7, lines 45-48). Choquier also discloses that the list from the master server may include a hash of the resources and that a member server can make a hash of its own resources using the same hashing algorithm and compare the hashes (see col. 8, lines 41-44).

Choquier also discloses that changes in the configuration of resources in the master computing device are detected and data is sent to each of the additional computing devices in an automatic mode (see col. 6, lines 44-47). An example of the Choquier automatic mode indicates that, if a particular resource is modified on the master server, data associated only with the changed resource can be sent to the member servers so they can independently update their corresponding resource (see col. 9, lines 30-33).

Notably, Choquier does not disclose or fairly suggest a server with a control unit that independently interacts with a master system and a remote system to synchronize files on the remote system with the master system as recited in claim 1. Moreover, Choquier does not disclose or fairly suggest a synchronizing process that includes the "first receiving, first detecting, first comparing, sending, second receiving, second comparing, second detecting, and initiating" functions as recited in claim 1. Based at least on the foregoing, it is submitted that amended independent claim 1 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that independent claim 1 and claims dependent thereon (i.e., claims 2-5 and 7-9) are currently in condition for allowance.

Dependent claim 3 recites that the control unit is also arranged to initiate the adjustment of file attributes to be synchronized and/or to initiate the adjustment of symbolic links and/or hard links. Choquier discloses that the lists exchanged between the master server and member servers may use extensible markup language (XML) (see col. 9, lines 38-40). XML provides start tags that the Choquier lists can use to

declare an arbitrary number of attributes and values for the attributes (see col. 10, lines 12-22). Notably, Choquier does not disclose or fairly suggest that a control unit can initiate adjustment of file attributes, symbolic links, or hard links during a file synchronization process as recited in claim 3. Moreover, Choquier does not disclose or fairly suggest a synchronizing process that includes the adjustment function as recited in claim 3. Based at least on these additional reasons, it is submitted that claim 3 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that claim 3 is currently in condition for allowance based at least on the foregoing.

Dependent claim 4 recites that the control unit is also arranged to assign master system and remote system roles to computer systems based on a message received from a control station. Choquier discloses that the lists from the member servers to the master server identifying resource needs can be referred to as action lists. The Choquier action list requests resources or resource settings that will enable the corresponding member server to synchronize its configuration of resources with the configuration of resources of the master server. Choquier also discloses that the needed data provided by from the master server to the member servers in response to the action list can be referred to as an update list. The Choquier update list contains data that describes various resource configuration settings as well as data representing the resources themselves (e.g., files, certificates). The Choquier update list may merely describe resources that are being sent separately in a different communication. See col. 8, line 52 – col. 9, line 16. Notably, Choquier does not disclose or fairly suggest that a control unit can assign master system and remote system roles to computer systems or that the assignments can be based on a message from a control station as recited in claim 4. Based at least on these additional reasons, it is submitted that claim 4 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that claim 4 is currently in condition for allowance based at least on the foregoing.

As amended, dependent claim 5 recites that the control unit is also arranged to send commands to the master system and remote system that include a file classification specifying a group of files to be updated and a request to reply with a list of files complying with the file classification. Choquier discloses a full synch mode in

which the master server sends an IHave list that describes its configuration of resources to each member server. The member servers evaluate their resource configurations and take measures to ensure they are synchronized with the master server. Choquier also discloses an automatic mode in which the master server automatically updates the member servers with resource specific changes. An example of the Choquier automatic mode indicates that, if a particular resource is modified on the master server, data associated with the changed resource can be sent to the member servers so they can independently update corresponding resources. See col. 9, lines 18-33. Notably, Choquier does not disclose or fairly suggest that a control unit can send commands to the master system and remote system with a file classification and a request for a reply as recited in claim 5. Moreover, Choquier does not disclose or fairly suggest a synchronizing process that includes the sending function as recited in claim 5. Based at least on these additional reasons, it is submitted that amended claim 5 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that claim 5 is currently in condition for allowance based at least on the foregoing.

Dependent claim 8 recites that the control unit is also arranged to allocate the files to be updated to several file blocks and performing the data synchronization of each of said file blocks separately. Choquier discloses that the needed data provided by the master server to the member servers can be referred to as an update list. The Choquier update list contains data that describes various resource configuration settings as well as data representing the resources themselves (e.g., files, certificates). The Choquier update list may merely describe resources that are being sent separately in a different communication. See col. 9, lines 2-16. Notably, Choquier does not disclose or fairly suggest that a control unit can allocate files to be updated to several file blocks or performing synchronization of each block separately as recited in claim 8. Moreover, Choquier does not disclose or fairly suggest a synchronizing process that includes the allocating and performing functions as recited in claim 8. Based at least on these additional reasons, it is submitted that claim 8 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that claim 8 is currently in condition for allowance based at least on the foregoing.

As amended, dependent claim 9 recites that the control unit is also arranged for requesting the file systems of the at least one remote system to check for data inconsistency caused by the data synchronization and to reply with a list of inconsistent files and for performing data synchronization for the inconsistent files. Choquier discloses that multiple web servers can be incorporated into a networked system and set up to operate identically for rendering the same service regardless of which server is used. In order to do this, the resource configurations for the Choquier web servers must be the same. Choquier also discloses that copying files from one server to another or replicating resource settings from one machine to another are solutions to making the resource configurations the same. See col. 1, line 62 – col. 2, line 16. Choquier discloses that each member server is configured to receive a list describing a configuration of resources from a master server and determine whether its configuration of resources is synchronized with the master server. Choquier also discloses that the list from the master server may include a hash of the resources and that a member server can make a hash of its own resources using the same hashing algorithm and compare the hashes. See col. 8, lines 35-44. Notably, Choquier does not disclose or fairly suggest that a control unit can request a file system in a remote system to check for a data inconsistency and reply with a list of inconsistent files or a control unit that a control unit can perform data synchronization for the inconsistent files as recited in claim 9. Moreover, Choquier does not disclose or fairly suggest a synchronizing process that includes the requesting and performing functions as recited in claim 9. Based at least on these additional reasons, it is submitted that amended claim 9 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that claim 9 is currently in condition for allowance based at least on the foregoing.

As amended, independent claim 10 is directed to a method for synchronizing at least one remote system with a master system that includes “receiving, at a comparison server, from the master system and the at least one remote system respective first lists of files that comply with a predefined file classification, detecting files in the first lists of files that are present in the master system, but missing in the at least one remote system, comparing the first lists of files and filtering out common files to form a second list of files, sending the second list of files to the master system and the at least one

remote system and requesting respective calculations of check sums for said common files, receiving, at the comparison server, said respective check sums, comparing corresponding check sums for said common files, detecting files from the second list of files with different check sums, and initiating the transmission of files to be updated from the master system to the at least one remote system, wherein the files to be updated include files from the second list of files for which different check sums were detected and files from the first lists of files which were detected as missing from the at least one remote system.”

The Office Action applies the same rationale used in rejection of claim 1 to rejection of claim 10. Accordingly, the arguments above distinguishing claim 1 also apply to distinguishing claim 10 from Choquier. Based at least on the foregoing, it is submitted that amended independent claim 10 is patentably distinguished from Choquier. Accordingly, the Applicant respectfully submits that independent claim 10 and claim dependent thereon are currently in condition for allowance.

Claim 7 Patentably Distinguishes Over the Combination of Choquier and Kasper II.

Claim 7 depends from independent claim 1. Accordingly, claim 7 is patentably distinct from the combination of Choquier and Kasper II for at least the same reasons provided above distinguishing claim 1 from Choquier. Based at least on the foregoing, the Applicant respectfully submits that claim 7 is currently in condition for allowance.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-5 and 7-21) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Alan C. Brandt, at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP

December 11, 2008

Date



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Certificate of Electronic Transmission

I hereby certify that this Amendment and accompanying documents are being filed on the date indicated below by electronic transmission with the United States Patent and Trademark Office via the electronic filing system (EFS-Web).

December 11, 2008

Date



Georgeen B. Sonntag